

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

v.

**ORDER**  
04-CR-222S

HUGH STEVENS, et al.

Defendants.

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1. On September 14, 2004, several defendants, including Hugh Stevens, were charged in a multi-count Indictment with conspiracy and possession with intent to distribute Ephedrine to manufacture Methamphetamine in violation of 21 U.S.C. §§ 841(c)(2), 846, 848(a), and 853(a), and 18 U.S.C. § 2. This Court thereafter referred this matter to the Honorable H. Kenneth Schroeder, United States Magistrate Judge, for all pretrial matters pursuant to 28 U.S.C. § 636(b)(1).

2. On April 18, 2006, Defendant Stevens filed a motion seeking, *inter alia*, dismissal of various counts of the Indictment.

3. On September 29, 2006, Judge Schroeder filed a Report, Recommendation and Order recommending that Defendant Stevens' request to dismiss various counts of the Indictment be denied.

4. On October 12, 2006, Defendant Stevens filed timely Objections to Judge Schroeder's Report, Recommendation and Order in accordance with 28 U.S.C. § 636(b)(1)(C) and Local Rule 72.3(a)(3). After full briefing and oral argument, this Court took the matter under advisement on November 29, 2006.

5. This Court has thoroughly reviewed *de novo* Judge Schroeder's Report, Recommendation and Order, Defendant Stevens' Objections thereto, and the applicable law. Upon due consideration, this Court finds no legal or factual error in Judge Schroeder's

Report, Recommendation and Order, and it concurs in his conclusions. Accordingly, the Government's Objections thereto are denied and this Court will accept Judge Schroeder's Report, Recommendation and Order in its entirety.

IT HEREBY IS ORDERED, that this Court accepts Judge Schroeder's Report, Recommendation, and Order (Docket No. 130) in its entirety, including the authorities cited and the reasons given therein.

FURTHER, that Defendant Stevens' Objections thereto (Docket No. 131) are DENIED.

FURTHER, that Defendant Stevens' request to dismiss various counts of the Indictment (Docket No. 112) is DENIED for the reasons set forth in Judge Schroeder's Report, Recommendation and Order.

SO ORDERED.

Dated: December 22, 2006  
Buffalo, New York

/s/William M. Skretny  
WILLIAM M. SKRETNY  
United States District Judge